

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Cheryl Lynn Griswold,

Plaintiff,

v.

Case No. 13-12546

Commissioners of Social Security,

Honorable Sean F. Cox

Defendant.

ORDER
ACCEPTING AND ADOPTING REPORT & RECOMMENDATION

Plaintiff brought this action challenging the Commissioner's decision denying Plaintiff's application for Disability Insurance Benefits. Thereafter, the matter was referred to Magistrate Judge Mona Majzoub for determination of all non-dispositive motions pursuant to 28 U.S.C. § 636(b)(1) and Report and Recommendation pursuant to § 636(b)(1)(B) and (C).

Thereafter, the parties filed cross-motions for summary judgment. In a Report and Recommendation ("R&R") issued on August 14, 2014, Magistrate Judge Majzoub recommended that: 1) Plaintiff's Motion for Summary Judgment be granted in part and denied in part; 2) Defendant's Motion for Summary Judgment be denied; and 3) the "matter be remanded for evaluation by a medical expert and a proper determination at Step 3 and, if Plaintiff is not found disabled at Step 3, for proper consideration of Dr. Lerner's opinion, proper discussion of Plaintiff's credibility, and any additional, necessary analysis." (R&R at 1).

Pursuant to FED. R. CIV. P. 72(b), a party objecting to the recommended disposition of a matter by a Magistrate Judge must file objections to the R&R within fourteen (14) days after

being served with a copy of the R&R. “The district judge to whom the case is assigned shall make a *de novo* determination upon the record, or after additional evidence, of any portion of the magistrate judge’s disposition to which specific written objection has been made.” *Id.*

The time for filing objections to the R&R has expired and the docket reflects that neither party has filed objections to the R&R.

The Court hereby ADOPTS the August 14, 2014, R&R. IT IS ORDERED that:

- 1) Plaintiff’s Motion for Summary Judgment is GRANTED IN PART AND DENIED IN PART;
- 2) Defendant’s Motion for Summary Judgment is DENIED; and
- 3) this matter is hereby REMANDED for evaluation by a medical expert and a proper determination at Step 3 and, if Plaintiff is not found disabled at Step 3, for proper consideration of Dr. Lerner’s opinion, proper discussion of Plaintiff’s credibility, and any additional, necessary analysis.

IT IS SO ORDERED.

S/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: September 16, 2014

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 16, 2014, by electronic and/or ordinary mail.

S/Jennifer McCoy
Case Manager